

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated March 23, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 2, 4-6 and 8-19 are pending in the Application. Claims 18 and 19 are added by this amendment. In the Office Action, claim 11 is rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse the rejection. However, in the interest of cooperation and advancing prosecution, claim 11 has been amended to recite "wherein a direction of rotation ..." Accordingly, withdrawal of the rejection of claim 11 under 35 U.S.C. §112, second paragraph, is respectfully requested.

In the Office Action, claims 1, 2, 4-6, 8-10 and 12-179 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,933,960 to Avidor ("Avidor") in view of U.S. Patent No. 6,442,840 to Zucker ("Zucker"). The rejection of claims 1, 2, 4-6, 8-10 and 12-19 is traversed. It is respectfully submitted that claims 1, 2, 4-6 and 8-19 are allowable over Avidor in view of Zucker for at least the following reasons.

The claims are essentially rejected under the same analysis provided in prior Office Actions with the addition of Zucker to allegedly provide a skin stretching element.

In a Response to Arguments section of the Office Action (see, page 4), it is stated that in Avidor, "clearly pivot 132 is essentially in the middle or in an area that can be called a middle portion and would therefore distribute forces essentially equal to both 122 and 104."

In contrast with the assertion present in the Office Action, Avidor merely discloses that a pivotable connection (132) in FIG. 17 is used to permit tilting of the cutting device relative to the handle. In fact, Avidor teaches that the pivotable connection (132) in FIG. 17 is an alternate embodiment of FIG. 16 in which a hinge (126) formed on the handle (124) is replaceable by the pivotable connection (132) to provide similar functionality of tilting of the support plate (110) (and hence cartridge (112)) relative to the handle. (see, Avidor, Col. 10, lines 29-38, Col. 11, lines 45-47).

As simple visual inspection of FIG. 17 wherein the pivotal connection is visible, shows that the pivotal connection 132 is directly in line with the engage sockets 120. Accordingly, as

readily appreciated by a person of ordinary skill in the art, a force applied through the handle 124 would apply substantially more force through the engage sockets 120 than through the rotary assembly 104.

As clear from a simple inspection of FIG. 16, the pins 118 projecting from the cartridge 112 engage the sockets 120. In FIG. 16, the pins 118 are essentially aligned with the rear roller 122. Accordingly, in contrast with the assertion contained in the Office Action, the rear roller 122 is essentially aligned with the pivotal connection 132 and is not in a middle portion of the support plate 110. As readily appreciated by a person of ordinary skill in the art, a force applied through the pivotal connection 132 would be substantially applied through the rear roller 122 as compared to the rotary assembly 104. Clearly, a person of ordinary skill in the art would appreciate that a force component applied perpendicularly to said cutting direction during a shaving operation would not be distributed in essentially equal parts to the rear roller 122 and the rotary assembly 104.

Regarding the claim language such as recited in claim 1, "essentially in equal parts ..." is provided in the claims in recognition that in manufacturing processes, there is no such thing

as exactitude. Any manufacturing process is provided with tolerances because it is an impossibility to exactly place a point, such as a pivot axis, in a manufactured item. As readily appreciated by a person of ordinary skill in the art, regardless of an attempt to position a manufactured item, some error in manufacturing will result (e.g., +/- some tolerance).

The claim language is provided in recognition of these manufacturing tolerances. In any event, Avidor is not even close and provides the pivotal connection 132 essentially over the rear roller 122 and clearly, most of the force applied must necessarily be provided through the rear roller 122.

The Office Action attempts to dissect the claim language providing a contrived scenario and arrives at the conclusion that "[e]ssentially or basically equal could be any two numbers." (See, Office Action, page 5.) This position is respectfully refuted. While it is not disputed that essentially equal may take into account a scale of the force applied (e.g., force equal to 1, 2, 10, or 1,000,000, see, Office Action, page 5), once the scale is determined, essentially equal can not be any two numbers as asserted in the Office Action.

It is respectfully submitted that the shaving head of claim 1 is not anticipated or made obvious by the teachings of Avidor in view of Zucker. For example, Avidor in view of Zucker does not disclose or suggest, a shaving head that amongst other patentable elements, comprises (illustrative emphasis added) "a pivot axis arranged between the shaving head and a handle attached or attachable to said shaving head, wherein said pivot axis is arranged at least essentially parallel to said cutting blade, and wherein said pivot axis is arranged such that a force component applied perpendicularly to said cutting direction during a shaving operation is distributed at least essentially in equal parts to said actively driveable skin stretching device and said guard" as recited in claim 1.

In Avidor, with a force applied through the handle, clearly, most of the force applied must necessarily be provided through the rear roller 122. Zucker is cited to allegedly show other elements of the claim and as such, does nothing to cure the obvious deficiencies of Avidor.

Therefore, in view of the above, Applicants respectfully submit that independent claim 1 is patentable over Avidor in view of Zucker and notice to this effect is earnestly solicited. Claims

2, 4-6, and 8-18 depend from claim 1 and accordingly are allowable over Avidor for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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